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09/824,783	04/04/2001	Takahisa Shirakawa	DP-749US	2975

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EXAMINER
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ANDRAMUNO, FRANKLIN S

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/824,783	Applicant(s) SHIRAKAWA, TAKAHISA	
	Examiner Franklin S. Andramuno	Art Unit 2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/4/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Picco et al (Patent Number 6,029,045) in view of Marko et al (US 2007/0124794 A1).

Regarding claims 1, 6, and 27-30, Picco discloses a broadcasting service system and a delay broadcasting method comprising: a broadcast station (**Uplink (102) in figure 7**) for broadcasting program contents (**Life Feeds (106) and Added Content (108) in figure 7**); at least one audiovisual system for viewing the program contents (**Audio (190) in figure 7**); and a station for storing the program contents broadcasted by the broadcast station and rebroadcasting the stored program contents (**Store Piece of Local Content on Disk (238) in figure 9**) to at least one audiovisual system making

a request for viewing the program contents when at least one audiovisual system requests the station to view the program contents (**Audio Aplicer (190) in figure 8**), the station connecting at least one audiovisual system in response to its request for viewing the program contents, broadcasting advertisement contents to at least one audiovisual system connected to the station (**The invention permits a broadcaster to segment its viewers for advertisers [column 2 lines 59-61]**), measuring an advertisement effect on the basis of a number of the connected audiovisual systems viewing the advertisement contents and a broadcasting time of the advertisement contents (**The agent (150), based o the statistics, may output the statistics or use the statistics to entire new advertisers to provide local content [column 7 lines 23-26]**), and rebroadcasting the program contents to the connected audiovisual systems only when the measured advertisement effect meets a predetermined target advertisement effect (**The system may also generate statistics about the user of the system and then sell local content space to advertisers based on these statistics [column 14 lines 55-57]**). However, Picco doesn't teach the use of repeater station to rebroadcast program contents. Marko discloses **that one or more terrestrial repeaters (17) can be provided to repeat satellite signals [page 2 paragraph (0020) lines 7-9]**.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Picco's reference to include a repeater station to rebroadcast program content. This is a useful combination because a repeater station is needed for distributing and storing local programming content in different geographical regions.

Regarding claims 2 and 7, Picco discloses the broadcasting service system of claim 1, wherein the repeater station calculates an expected waiting time **(Downloading the local content over the channels at some predetermine time [column 3 lines 21-23])** until the rebroadcasting of the program contents is started on the basis of the measured result of the advertisement effect and broadcasts a combination of the advertisement contents and the calculated expected waiting time **(Scheduler (148) in figure 4)** on a broadcasting screen to the connected audiovisual systems **(Audio splicer (190) in figure 7)**.

Regarding claims 3, 8, 13, 16, 19, 22, and 31-32, Picco discloses the broadcasting service system and a delay broadcasting method of claim 1, wherein the repeater station receives a plurality of programs of program contents **(Program Guide (154) in figure 5)** broadcasted by the broadcast station, calculates an advertisement effect of each program of the program contents on the basis of a number of the audiovisual systems each making a request for viewing each program of the program contents **(The system may also generate statistics about the user of the system and then sell local content space to advertisers based on these statistics [column 14 lines 55-57])**, calculates a recording cost for recording each program of the program contents, calculates a proper recording time of each program of the program contents on the basis of the calculated advertisement effect and the calculated recording cost **(The set-top box may use these coefficients to determine which pieces of local content are going to be stored by each particular set-top box [column 8 lines 7-10])**, predicts the program contents which permit to obtain the advertisement effects

more than their recording costs on the basis of their calculated proper recording times **(The content profile may also include a distribution variable which determines which users of the system may be downloaded [column 7 lines 56-60]),** and selectively stores only the program contents predicted that the program contents permit to obtain the advertisement effects more than their recording costs **(The advertisers benefit since they are able to more effectively reach viewers who are more likely to be interested in their product often at a lower total cost since the advertiser does not have to purchase the rights to advertise in the entire market [column 2 lines 63-67]).**

Regarding claims 4, and 9, Picco discloses a broadcasting service system comprising: a broadcast station for broadcasting program contents **(Uplink (102) in figure 7)**; at least one audiovisual system for viewing the program contents **(Audio (190) in figure 7)**; and a repeater station for storing the program contents broadcasted by the broadcast station and rebroadcasting the stored program contents **(Audio Splicer (190) in figure 8)** to at least one audiovisual system making a request for viewing the program contents when at least one audiovisual system requests the repeater station to view the program contents **(Store Piece of Local Content on Disk (238) in figure 9)**, the repeater station includes: a receiver for receiving the program contents broadcasted by the broadcast station; a program contents storage for storing the program contents received by the receiver; an advertisement contents storage for storing the advertisement contents **(The invention permits a broadcaster to segment its viewers for advertisers [column 2 lines 59-61]);** a broadcasting set for connecting

at least one audiovisual system in response to its request for viewing the program contents stored in the program contents storage (**Storage media in figure 5 Marko**) and broadcasting the program contents and the advertisement contents stored in the advertisement contents storage to the audiovisual systems connected to the broadcasting set (**The locally stored content segments can include prerecorded music selections, advertisements, news programs, and the like [page 2 paragraph (0024) lines 12-15] Marko**; and an advertisement effect measurer for measuring an advertisement effect on the basis of the number of the connected audiovisual systems viewing the advertisement contents (**Scheduler (148) in figure 4**) and the broadcasting time of the advertisement contents and allowing the broadcasting set to start the broadcasting of the program contents to the connected audiovisual systems only when the measured advertisement effect meets the predetermined target advertisement effect and the repeater station connecting at least one audiovisual system in response to its request for viewing the program contents(**The system may also generate statistics about the user of the system and then sell local content space to advertisers based on these statistics [column 14 lines 55-57]**), broadcasting advertisement contents to at least one audiovisual system connected to the repeater station, measuring an advertisement effect on the basis of a number of the connected audiovisual systems viewing the advertisement contents and a broadcasting time of the advertisement contents (**The system may also generate statistics about the user of the system and then sell local content space to advertisers based on these statistics [column 14 lines 55-57]**), and rebroadcasting the program contents to the

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connected audiovisual systems only when the measured advertisement effect meets a predetermined target advertisement effect (**The content profile may also include a distribution variable which determines which users of the system may be downloaded [column 7 lines 56-60]**), and the broadcasting set rebroadcasting the program contents requested by the connected audiovisual systems to the connected audiovisual systems only when the advertisement effect measurer permits the broadcasting set to start the broadcasting of the program contents (**The broadcaster can segment their viewers and the advertisers benefit since they are able to more effectively reach viewers [column 2 lines 53-57]**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Picco's reference to include a storage media with prerecorded selections. This is a useful combination because advertisements can be stored locally and the space available can be charged to advertisers.

Regarding claims 5 and 10, Picco discloses the broadcasting service system of claim 4, wherein the advertisement effect measurer calculates an expected waiting time (**Downloading the local content over the channels at some predetermine time [column 3 lines 21-23]**) until the rebroadcasting of the program contents is started on the basis of the measured result of the advertisement effect, and the broadcasting set broadcasts a combination of the advertisement contents and the expected waiting time (**Scheduler (148) in figure 4**) calculated by the advertisement effect measurer on a broadcasting screen to the connected audiovisual systems (**Audio splicer (190) in figure 7**).



Regarding claims 11, 14, 17, 20, and 23-24, Picco discloses a broadcasting service system and a delay broadcasting method comprising: a broadcast station **(Uplink (102) in figure 7)** for broadcasting program contents **(Life Feeds (106) and Added Content (108) in figure 7)**; at least one audiovisual system for viewing the program contents **(Audio (190) in figure 7)**; and a repeater station for storing the program contents broadcasted by the broadcast station and rebroadcasting the stored program contents **(Store Piece of Local Content on Disk (238) in figure 9)** to at least one audiovisual system making a request for viewing the program contents when at least one audiovisual system requests the repeater station to view the program contents **(Audio Splicer (190) in figure 8)**, the repeater station connecting at least one audiovisual system in response to its request for viewing the program contents, predicting **(Motion compensation involves using predictive methods to reduce temporal redundancies [column 2 lines 14-17])** whether or not a predetermined target advertisement effect can be attained within a broadcasting time of the program contents under a condition that a broadcasting of advertisement contents is inserted during a rebroadcasting of the program contents to the audiovisual systems connected to the repeater station **(The operator of the satellite-based system (30) may insert content, such as advertisements into the satellite signal [column 5 lines 19-21])**, and rebroadcasting the program contents requested by the connected audiovisual systems to the connected audiovisual systems while inserting the broadcasting of the advertisement contents during the rebroadcasting of the program contents only when it is predicted that the predetermined target advertisement effect can be attained **(The**

**system may also generate statistics about the user of the system and then sell local content space to advertisers based on these statistics [column 14 lines 55-57]).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Picco's reference to include a statistic generator about the local content to advertisers. This is a useful combination because the system provides predicted predetermined target advertisements according to the statistics.

Regarding claims 12, 15, 18, and 21, Picco discloses the broadcasting service system and a delay broadcasting method of claims 11 and 14, wherein the repeater station includes: a receiver for receiving the program contents broadcasted by the broadcast station (**Uplink (102) in figure 7**); a program contents (**Life Feeds (106) and Added Content (108) in figure 7**) storage for storing the program contents received by the receiver (**Store piece of local content on disk (238) in figure 9**); an advertisement contents storage for storing the advertisement contents (**Additional local content (240) in figure 9**); a broadcasting set for connecting at least one audiovisual system (**Audio Aplicer (190) in figure 8**) in response to its request for viewing the program contents stored in the program contents storage, and rebroadcasting the program contents requested by the audiovisual systems connected to the broadcasting set to the connected audiovisual systems while inserting the broadcasting of the advertisement contents stored in the advertisement contents storage during the rebroadcasting of the program contents (**The invention permits a broadcaster to segment its viewers for**

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**advertisers [column 2 lines 59-61]);** and an advertisement effect measurer for predicting whether or not a predetermined target advertisement effect can be attained within a broadcasting time of the program contents **(The content profile may also include a distribution variable which determines which users of the system may be downloaded [column 7 lines 56-60])** under the condition that the broadcasting of the advertisement contents is inserted during the rebroadcasting of the program contents to the connected audiovisual systems and allowing the broadcasting set to start the broadcasting of the program contents to the connected audiovisual systems only when it is predicted that the predetermined target advertisement effect can be attained **(The operator of the local cable system may easily insert local advertisements and data content into the analog data stream [column 1 lines 32-35]),** the broadcasting set rebroadcasting the program contents requested by the connected audiovisual systems to the connected audiovisual systems while inserting the broadcasting of the advertisement contents during the rebroadcasting of the program contents only when the advertisement effect measurer permits the broadcasting set to start the broadcasting of the program contents **(The invention may include a set-top box at a household that is capable of storing data and inserting that stored data into live data streams [column 3 lines 1-5]).**


Regarding claim 37, Picco discloses an advertisement method used the broadcasting service system **(The invention permits a broadcaster to segment its viewers for advertisers [column 2 lines 59-61])** claimed in any of one of claims 1 to 22.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Franklin S. Andramuno whose telephone number is 571-270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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